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REMARKS

Claims 1-30 are pending in the application. Claims 1-30 are rejected. No claims are amended herein.

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Rejections under 35 U.S.C. §102

Claims 1-12 are rejected under 35 U.S.C. § 102(e) as being anticipated by Nakai (United States Patent Application Publication number 2004/0260923 A1), hereinafter "Nakai". Applicant respectfully submits that the claims are patentably distinct from
10 Nakai for the reasons stated below.

Applicant respectfully submits that Nakai describes a content processing device that permits, when contents are to be stored in a recording medium, only a specified device to read out the stored contents of the recording medium (Nakai, paragraph 0008). The content processing device described in Nakai is a mobile telephone (Nakai,
15 paragraph 0034). Nakai generally uses the telephone number of the mobile telephone as a ciphering key for use in enciphering the contents to be stored on the recording medium. The contents, once enciphered and stored in the recording medium by the device, can only be read from the recording medium by the device used to store the contents (Nakai, paragraphs 0011-0014).
20 More specifically, Nakai describes a mobile telephone that permits attaching and detaching a memory card as an external memory, where the mobile telephone can read and write into and out of the memory card. Nakai describes this invention as enabling the user to use a user interface of the mobile telephone to exchange contents, such as a call melody and wall-paper between the mobile telephone and the memory card. See Nakai,
25 paragraph 0035.

Nakai describes operations involving storing content on the memory card as follows. A ciphering program of the mobile telephone acquires the telephone number from a read-only memory (ROM) of the telephone, and generates a title key using the

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telephone number. The ciphering program then acquires content from a random access
memory (RAM) of the telephone and enciphers the content using the title key. The
ciphering program also enciphers the title key using a ciphering key generated from the
telephone number. The ciphering program then stores into the memory card the

5   enciphered content and the enciphered title key. See Nakai, paragraphs 0036-0038, and
Figures 2 and 3.

      Nakai describes operations involving reading content from the memory card as
follows. The ciphering program of the mobile telephone acquires the telephone number
from the telephone ROM and generates a ciphering key from the telephone number. The

10   ciphering program also reads the enciphered title key from the memory card and
deciphers the enciphered title key using the generated ciphering key. The ciphering
program then reads the enciphered content from the memory card and deciphers the
enciphered content using the deciphered title key. The ciphering program stores the
deciphered content in the telephone RAM from which it can be read or played by the

15   telephone. See Nakai, paragraphs 0039-0040, and Figure 4.

      Regarding claim 1, Applicant respectfully submits that Nakai does not disclose a
portable communication device comprising an <u>identity module</u> removeably coupled to the
processor, wherein information of the identity module controls operation of the device,
wherein the <u>processor receives</u> binding information including identification information

20   from components of the device and <u>subscriber information from the identity module,
forms an association between the device and the module by assigning a device
identification (DID) to the binding information,</u> generates at least one binding file in a
memory area of the module, and <u>stores the device identification and the binding
information in the binding file</u> (underlining indicates emphasis added). Thus, Applicant

25   submits that Nakai does not anticipate claim 1.

      Applicant submits that Nakai describes a mobile telephone that permits attaching
and detaching of a <u>memory card</u> as an external memory. However, Nakai does not
describe or teach an <u>identity module</u> coupled to a processor of the portable
communication device. Furthermore, Nakai does not disclose that the memory card

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contemplates or includes an identity module. Therefore, Nakai does not describe or teach a portable communication device comprising an <u>identity module</u> removeably coupled to the processor as claimed in claim 1.

Applicant further submits that Nakai describes, during operations to decipher and
5 read contents from the memory card, a ciphering program that <u>reads an enciphered title key and enciphered content</u> from the memory card. However, Nakai does not disclose that the enciphered title key and/or the enciphered content include subscriber information. Furthermore, as described above, Nakai does not disclose that the memory card includes an identity module. Therefore, in contrast to claim 1, Nakai does not describe a processor
10 that <u>receives subscriber information from the identify module</u>. For this reason, claim 1 is not anticipated by Nakai.

Applicant further submits that, in contrast to claim 1 which forms an association between the device and the module, Nakai describes <u>forming an association between the mobile telephone (telephone number) and the content stored in the mobile telephone</u>
15 <u>RAM</u>. Nakai forms an association between the device and the content because the ciphering program of Nakai <u>acquires content</u> from the telephone RAM, <u>enciphers the content using only the device telephone number</u>, and <u>stores the enciphered content</u> on the memory card. Nakai therefore does not use any information of the memory card in the operations to encipher content for storage on the memory card. Nakai therefore does not
20 disclose the device of claim 1 because Nakai does not disclose <u>receiving</u> binding information that includes <u>subscriber information from the identity module</u>, and <u>forming an association between the device and the module by assigning a device identification (DID) to the binding information</u>. For this reason, claim 1 is not anticipated by Nakai.

Additionally, Applicant submits that Nakai describes the association formed
25 between the mobile telephone and the content is <u>formed through generating a title key</u> using the telephone number and <u>enciphering the content using the title key</u>. This is in contrast to claim 1 which includes <u>forming an association between the device and the module by assigning a device identification (DID) to the binding information</u>, where the binding information includes identification information from components of the device

and subscriber information from the identity module. Thus, as Nakai does not disclose assigning a device identification to the binding information, claim 1 is not anticipated by Nakai because Nakai fails to disclose or teach forming an association between the device and the module by assigning a device identification (DID) to the binding information.

5   Applicant further submits that because Nakai does not disclose receiving binding information, and because Nakai does not disclose forming an association between the device and the module by assigning a device identification (DID) to the binding information, Nakai also does not disclose storing the <u>device identification (DID) and the binding information</u> in a binding file of the identity module. Thus, Nakai does not
10   anticipate claim 1.

For all the reasons stated above Applicant respectfully submits that claim 1 is not anticipated by Nakai. As claims 2-5 depend from claim 1 and include further limitations thereon, and claim 1 is not anticipated by Nakai, Applicant submits that claims 2-5 are not anticipated by Nakai.

15   Applicant submits that claims 6, 7, and 8 are not anticipated by Nakai for the same reasons as those stated above with reference to claim 1. As claims 9-12 depend from claim 8 and include further limitations thereon, and claim 8 is not anticipated by Nakai, Applicant submits that claims 9-12 are not anticipated by Nakai.

20   **Rejections under 35 U.S.C. §103**

Claims 13-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakai. Applicant respectfully submits that claims 13-30 would not have been obvious in view of Nakai for the reasons stated above with reference to claims 1-12.

25   **Conclusion**

In view of the foregoing Remarks, Applicant respectfully submits that the rejections under 35 U.S.C. §102 and §103 have been overcome, and their withdrawal is respectfully requested. Applicant submits that claims 1-30 are in condition for allowance. The allowance of the claims is earnestly requested. If in the opinion of

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Examiner Ramos-Feliciano a telephone conference would expedite the prosecution of the subject application, or if there are any issues that remain to be resolved prior to allowance of the claims, Examiner Ramos-Feliciano is encouraged to call Rick Gregory at (408) 342-1900.
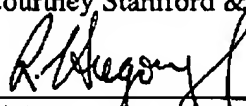
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Authorization to Charge Deposit Account

Please charge deposit account 503616 for any fees due and not paid herewith in connection with this Office Action response.

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Respectfully submitted,
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Date: November 22, 2005

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